

BURR**&****BROWN**

Telephone: (315) 233-8300

Facsimile: (315) 233-8320

Before Final - Official101 South Salina Street
Seventh Floor
Syracuse, NY 13202

Liz

FAX Transmission Sheet

August 22, 2002

To: Examiner David L. Hogans Fax No. (703) 872-9318
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Tomohiko SHIBATA, Yukinori NAKAMURA, Mitsuhiro
TANAKA and Keiichiro ASAI

Serial No.: 10/004,345 Art Unit: 2813

Date Filed: November 2, 2001 Conf. No. 3689

Title: A METHOD FOR FABRICATING A III-V NITRIDE FILM AND AN
APPARATUS FOR FABRICATING THE SAME

Our Docket No.: 782_193

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at (703) 872-9318 at the Patent and Trademark Office on August 22, 2002:

<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction Requirement	<u>2</u>

Total Pages (including cover page)

3


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PATENT

Practitioner's Docket No.: 782_193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tomohiko SHIBATA, Yukinori NAKAMURA, Mitsuhiro TANAKA
and Keiichiro ASAI

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For: A METHOD FOR FABRICATING A III-V NITRIDE FILM AND AN
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Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

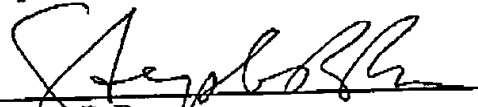
Sir:

In response to the Office Action mailed August 9, 2002, applicants hereby
provisionally elect, with traverse, to prosecute the claims of Group II (claims 7-9) in this
application.

However, applicants respectfully traverse the restriction requirement since the subject
matter of claims 1 - 9 is sufficiently related that a thorough and complete search for the
subject matter of the elected claims would necessarily encompass a thorough and complete
search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that
search and examination of the entire application could be made without serious burden. See
MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire
application can be made without serious burden, the Examiner must examine it on the

merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

August 22, 2002
Date

SPB/eav

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 25191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320

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